

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
April 1, 2015**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Bob Cook	-Present		

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the March 11, 2015 regular meeting were reviewed. Attorney Kabrick noted one correction. On page 2, regarding the Petition of Tom's Lawn & Garden Center, the motion should read "to build within zero (0) feet of the rear property line" instead of "to build within zero (0) feet of the rear yard." Randy Mehringer made a motion to approve the minutes as amended. Vice Chairman Josh Gunselman seconded it. Motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

NEW BUSINESS

Petition of Southwestern Indiana Child Advocacy Coalition Center (as petitioner) and Memorial Hospital & Health Care Center (as owner) for a variance to allow a Child Advocacy Center forensic interview site in an R-3 zone

Tammy Lampert, Coordinator of the Southwestern Indiana Child Advocacy Coalition was present to request a variance to operate a child advocacy center at 935 MacArthur Street. Gerry Miller, Construction Manager for Memorial Hospital, was present on behalf of the hospital; owner of the property. The advocacy group is currently utilizing the house on Memorial Drive, directly behind the proposed property. Mr. Miller told the Board that the hospital is in the

process of building a new parking tower, and the current house will be demolished. The hospital offered the proposed site on MacArthur, contingent upon approval of the variance.

The Child Advocacy Center (CAC) coordinates the investigation, prosecution and treatment of child abuse by bringing together professionals and agents of the Prosecuting Attorney's office, the law enforcement agencies, Department of Child Services, mental health facilities, medical facilities and the victim's advocates.

Ms. Lampert displayed some photos showing the inside of the current center located on Memorial Drive. There is a waiting area where the child and advocates wait to be called in for the forensic interview. When called to the interview room, only an interview specialist is in the room with the child. The interviewer wears an earpiece and the team sits in another room, which is hooked up through the interviewer's earpiece with a radio. This allows the team members to ask more questions if any, which will prevent the child from being interviewed numerous times.

William Burns, 930 MacArthur Street, appeared before the board to share his concerns. Mr. Burns said he is not in favor of the proposed house being used for a Child Advocacy Center. In his opinion, the proposed site would change the character of the neighborhood, putting the neighbors at risk.

Sherriff Dennis Lampert appeared before the board to explain that the house would not have a different character as no alleged perpetrator of the victim is allowed on the premises. The center would not change the exterior of the house; any remodeling would be interior only.

Following some discussion, Bob Cook made a motion to close the public hearing. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Vice Chairman Gunselman made a motion to grant a variance at 936 MacArthur to allow a Child Advocacy Center in an R-3 zone. Secretary Buck seconded it. Motion carried 5-0.

Petition of MasterBrand Cabinets, Inc., for a variance from Section 16.02.120 (Lot & Yard Requirements)(Table B) to build within zero (0) feet of the side yard property line

Petition Withdrawn

Petition of Kerstiens Homes & Designs, Inc. for a variance from Section 16.02.140 (Height Regulations) on a proposed accessory building

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Kerstiens Homes & Designs, requesting a variance to construct a garage with a height of 21 feet on a vacant lot located on the east side of Keusch Lane, approximately 1,000 feet of Pebble Drive. Mr. Buehler said the residence, which is currently under construction, measures 24.9 feet in height; approximately four feet higher than the proposed garage.

Some discussion followed. With no remonstrators present, Randy Mehringer made a motion to close the public hearing. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a variance to construct a garage with a height not to exceed 21 feet. Secretary Buck seconded it. Motion carried 5-0.

Petition of Thomas N. Heltzel and Jeanne S. Heltzel for a variance from Section 16.02.140 (Height Regulations) on a proposed accessory building

Phil Buehler, of Brosmer Land Surveying, was present on behalf of Thomas & Jeanne Heltzel requesting a variance to construct a garage on their property with a height of 20 feet. The property is located at 3152 Grassland Hills Road. According to Mr. Buehler, the height of the Heltzel residence is 32 feet.

Discussion followed. With no remonstrators present, Bob Cook made a motion to close the public hearing. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to construct a garage not to exceed 20 feet. Vice Chairman Gunselman seconded it. Motion carried 5-0.

Petition of Jasper Engine Exchange, Inc. for a variance from Section 16.035.060 (Business and Industrial Zoning Sign Standards) and Section 16.035.090 (Business Zoning Sign Standards)

Attorney Bill Kaiser was present on behalf of Jasper Engine Exchange, Inc. requesting a variance to place a sign on the company's new manufacturing building located at 1220 Power Drive. Attorney Kaiser presented a design plan showing the measurement of the proposed sign and the distance from the building to US Highway 231, which is 1,000 feet. The request is to aid customers and suppliers to be able to find the company. The sign would be placed on the southwest end of the facility and measure 700 square feet. Since the distance from the major road is so great, a larger sign is required to reflect the needed scale for visibility.

Discussion followed. Although the board members shared concerns of the size of the sign, they understood the exception of Jasper Engine's request because of the building setting so far off from the highway.

With no remonstrators present, Bob Cook made a motion to close the public hearing. Secretary Buck seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance for the proposed sign, not to exceed 700 feet. Secretary Buck seconded it. Motion carried 5-0.

Petition of City of Jasper for a variance from the lot width requirement, Section 16.02.120 (Lot & Yard Requirements) and Section 16.02.120(10) (Street Frontage)

City Attorney Renee Kabrick addressed the board on behalf of the City of Jasper to request a variance for the property commonly known as 30th Street Park. Attorney Kabrick said the City has determined that it is in the best interest of the citizens to sell the property, which is one of the properties that will be part of a real estate auction on April 30, 2015. The variance request is to allow a developer to develop the land without meeting the requirement of Section 16.02.120 (10) which requires street frontage. In reviewing the zoning and uses of said property,

and having it surveyed, it was determined that there is presently no street frontage for said lot. Attorney Kabrick said there is a perpetual right-of-way ingress/egress easement that was originally granted to the City of Jasper in 1977; amended in 1980.

Discussion followed. Some board members had concerns about the mixed zoning. Attorney Kabrick explained that the development which would take place on the property would be dictated by the Planned Unit Development (PUD) Ordinance, which will be a subject addressed at the Plan Commission's next meeting. The initial step would be similar to the platting process. After primary approval, a final design plan would be submitted to a Development Review Committee for final approval, pending upon the plan showing the traffic patterns, parking, etc. By granting the variance, Attorney Kabrick said this board would be allowing the developer to submit a building permit without the requirement of having the building front on a street.

Mike Matthews, 3114 Virginia Avenue, appeared before the board with concerns regarding the increase in traffic if 32nd Street is extended due to potential development. He inquired whether using Lottes Drive as access was an option. City Engineer Chad Hurm explained that a different property owner owns Lottes Drive. Attorney Kabrick told Mr. Matthews that if 32nd Street is extended, it is the City's intent to encourage traffic to continue to access off of 30th Street.

With no more discussion, Vice Chairman Gunselman made a motion to close the public hearing. Secretary Buck seconded it. Motion closed 5-0.

Vice Chairman Gunselman made a motion to grant a variance from the lot width requirement, Section 16.02.120 (Lot & Yard Requirements) and Section 16.02.120(10)(Street Frontage) on the indicated parcel of land, commonly known as 30th Street Park. Randy Mehringer seconded it. Bob Cook voted nay. Motion carried 4-1.

Special Meeting request

Director of Community Development and Planning Darla Blazey shared with the board that Ruler Foods is planning to open its new store before next month's meeting, and they are requesting permission for a variance to place a pylon sign closer to US Highway 231 on the Dubois County Museum's property. Following some discussion, and by consensus, the board determined to not hold a special meeting.

ADJOURNMENT

With no further discussion, Bob Cook made a motion to adjourn the meeting. It was seconded by Vice Chairman Gunselman. Motion carried 5-0, and the meeting was adjourned at 7:45 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister